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5 UNITED STATES DISTRICT COURT
6 FOR THE WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 YACOUBA DIARRA,

9 Plaintiff,

10 vs.

11 COASTAL ALASKA PREMIER SEAFOODS,
12 LLC, *et al.*,

13 Defendants.

Case No.: 2:19-cv-01070-RSL

**ORDER DENYING
PLAINTIFF'S MOTION FOR
RECONSIDERATION,
CERTIFICATION, AND/OR
INTERLOCUTORY APPEAL**

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15 THIS MATTER comes before the Court on Plaintiff's Motion for
16 Reconsideration of the Order Granting Defendants' Motion to Stay Case and Compel
17 Arbitration; Motion for FRCP 54(b) Certification; and Order Allowing Interlocutory
18 Appeal Pursuant to 28 U.S.C. § 1292; All in the Alternative. Dkt. # 29. Plaintiff argues
19 that compelling plaintiff to arbitrate his claims "will change the legal landscape that has
20 existed since the Jones Act was passed 100 years ago" and result in the unequal
21 treatment of injured seaman working side by side.¹ Plaintiff at no point acknowledges
22 that the Ninth Circuit's four-part test for determining whether to enforce an arbitration
23 agreement under the Convention on the Recognition and Enforcement of Foreign
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26 ¹ In reply, plaintiff argues that "[a]llowing a jury trial to an injured U.S. citizen working on a U.S.-flagged
27 vessel but not allowing a jury trial to a non-U.S. citizen working at the same job aboard the same vessel and
sustaining a similar injury constitutes impermissible discrimination based upon citizenship." Dkt. # 31 at 3. No
statute, constitutional provision, or case law are cited in support of this statement. Because the argument was not
timely raised or properly supported, it has not been considered.

1 Arbitral Awards expressly provides for arbitration when “a party to the agreement is not
2 an American citizen” *Balen v. Holland Am. Line Inc.*, 583 F.3d 647, 654-55 (9th
3 Cir. 2009) (quoting *Bautista v. Star Cruises*, 396 F.3d 1289, 1294-95 (11th Cir. 2005)).
4 Plaintiff has not, therefore, shown manifest error in the Court’s prior ruling. Nor has he
5 shown that an immediate appeal to the Ninth Circuit is appropriate under either Fed. R.
6 Civ. P. 54(b) or 28 U.S.C. § 1292(b).

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8 For all of the foregoing reasons, plaintiff’s motion for reconsideration and
9 request for certification for interlocutory appeal (Dkt. # 29) are DENIED.

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12 Dated this 28th day of February, 2020.

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14 ROBERT S. LASNIK
15 UNITED STATES DISTRICT JUDGE
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